THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.18957 of 2007

Between:

Sri Vyasa Ansramam. … Petitioner

and

The Revenue Divisional Officer,
Chittoor,
Chittoor District and another. … Respondents

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioner that the petitioner's Ashram has been registered as a Religious Institution under Section 43 of A.P. Charitable Hindu Religious Institutions and Endowments Act 2 of 1927 (for short "the Endowments Act"). After Endowments Act 30 of 1987 came into force, the Inspector of Endowments Department, Tirupathi, issued a Certificate, dated 26-10-1990, certifying that the contents of the register relating to the petitioner's Ashram are genuine and correct and as per the original register, all the properties owned by the petitioner's Ashram are duly registered. Apart from other properties, the land admeasuring Ac.04-05 cents in Sy.No.260 of Amandhur village, Yerpedu Mandal, Chittoor District also belongs to the petitioner's Ashram and the same was also included in the said register. The Commissioner of Endowments Department, Hyderabad, issued proceedings, dated 09-11-1967, including the petitioner's institution in the list of institutions published under Section 6(c) (i) of the Endowments Act. Later, as per the modified proceedings, dated 21-02-1975, the petitioner's institution was shown as a Mutt under Section 6(d) of the Endowments Act. Though the said land admeasuring Ac.04-05 cents in Sy.No.260 belongs to the petitioner's Ashram, when the respondents, without following due process of law, tried to dispossess the petitioner from the land in question, the petitioner filed W.P.No.4903 of 2007 before this Court. This Court by order, dated 20-03-

2007, disposed of the said writ petition directing that the petitioner shall not be dispossessed without following due process of law. Thereafter, the Mandal Revenue Officer, Yerpedu Village and Mandal, Chittoor District, issued a notice, dated 24-03-2007 stating that the land in question is classified as poramboke land and, therefore, the petitioner was asked to give explanation within seven days as to why the petitioner shall not be dispossessed from the land in question. It is stated that the petitioner could not send explanation immediately, but it sent explanation to the 2nd respondent on 24-04-2007. On the next day itself, without considering its explanation, the 2nd respondent passed the impugned order, dated 25-04-2007, which was dispatched on 31-05-2007 and the same has been received by the petitioner on 11-06-2007. Aggrieved by the same, the petitioner filed an appeal along with stay application before the 1st respondent on 18-06-2007 and the same are pending.

As the appeal is pending before the 1st respondent, without expressing any opinion as to the merits of the case, I am of the opinion that it is just and proper to direct the 1st respondent to consider and dispose of the appeal itself.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the appeal, after giving reasonable opportunity to the petitioner, in accordance with law, as expeditiously as possible. Pending disposal of the appeal, the respondents shall not dispossess the petitioner from the land in question. There shall be no order as to costs.

07-09-2007

Prv